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FEDERAL COMMUNICATIONS COMMISSION
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April 1, 1994

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: *Establishment of a Federal Advisory Committee to Assist the Common Carrier Bureau in the Development and Implementation of an Electronic Filing System -- CC Docket No. 94-18*

Dear Mr. Caton:

I am writing on behalf of The Wireless Cable Association International, Inc. ("WCAI") in response to the Commission's March 7, 1994 *Public Notice* soliciting comment as to whether the Commission should establish a federal advisory committee pursuant to the Federal Advisory Committee Act to advise the Common Carrier Bureau in the development and implementation of an electronic filing system.¹ WCAI strongly endorses the Commission's proposal, and requests that Paul J. Sinderbrand be appointed as WCAI's representative on any federal advisory committee convened to advise the Common Carrier Bureau regarding electronic filing.

WCAI is the trade association of the wireless cable industry. Its members include the operators of virtually all of the approximately 140 wireless cable systems in operation today, as well as the licensees of the hundreds of Multipoint Distribution Service ("MDS") stations that provide essential channel capacity to wireless cable system operators. As such, WCAI has a vital interest in the outcome of this proceeding.

The recent emergence of the wireless cable industry as viable competition to cable has placed tremendous pressure on the small staff of the Common Carrier Bureau's Domestic Radio Branch to keep pace with an ever-increasing influx of applications. In the two years since the Commission imposed a moratorium on the filing of applications for new MDS

¹"FCC Asks for Comments Regarding the Establishment of an Advisory Committee," FCC 94-44, *Public Notice* (rel. March 7, 1994).

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William F. Caton

April 1, 1994

Page 2

stations,² the staff has done yeoman's service in reducing the backlog of applications caused by the so-called application mills. Although that backlog of new applications has been significantly reduced during the freeze, the staff is still having difficulty processing time-sensitive applications for MDS license modifications and assignments in timely fashion. This delay, coupled with the freeze on new applications, has significantly hampered the development of wireless cable systems in many areas of the country. While WCAI has urged the Commission to waive the freeze so as to permit wireless cable operators to secure fallow spectrum in their operating areas,³ it has done so with some trepidation -- the Domestic Radio Branch simply does not have the personnel to undertake the processing of additional applications at this time.

WCAI believes that the implementation of an electronic system for filing MDS applications and periodic reports⁴ could substantially improve the ability of the Domestic Radio Branch to rapidly process time-sensitive MDS applications. Less staff resources would have to be devoted to the transferring of data from paper filings to computer files, resulting in expedited processing of applications. A properly designed electronic filing system should substantially lessen the amount of time staff engineers must spend conducting time-consuming MDS interference analyses, increasing the efficiency of the existing staff.

Moreover, an electronic filing system would permit prospective MDS applicants to better design their facilities to avoid interference to previously-proposed nearby stations. Under Section 21.902 of the Rules, an MDS applicant is required to demonstrate that the facility it proposes will not cause harmful electrical interference to any previously-proposed station. That has proven difficult to do under the current paper-based application system because of the long time lag between the filing of an application and the time essential information regarding the design of the proposed station is available to the public. One cannot demonstrate protection to a proposed facility one does not know about. Too often, the processing staff is required to request that applicants supplement their interference analyses to consider proposals that were on file, but not available, when the interference analyses were

²See "Freeze on the Filing of MDS/MMDS Applications," *Public Notice*, PR Docket No. 92-80 (rel. April 15, 1992).

³See Letter from Paul J. Sinderbrand, counsel to WCAI, to James R. Keegan, Chief, Domestic Facilities Division, at 16-17 (filed Aug. 30, 1993).

⁴MDS licensees are required to file annual qualification reports on FCC Form 430, a Section 21.911 report for each licensed station, and a myriad of equal employment opportunity reports.

William F. Caton
April 1, 1994
Page 3

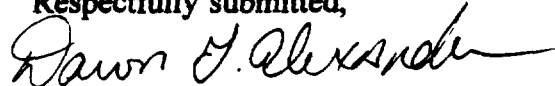
prepared. With an electronic filing system readily accessible by the public, MDS applicants will be able to better design their stations to avoid interference to previously proposed stations and will be able to fully comply with their obligations under Section 21.902 when they file their applications.⁵

WCAI generally agrees with the scope of the proposed committee's deliberations set forth in the *Public Notice*. However, the committee should specifically be empowered to propose changes in the amount and nature of the information required of applicants for new and modified radio facilities. With respect to MDS applications, for example, much of the information required of applicants today is superfluous, while some important technical information is not required to be filed.

WCAI's nominee has almost fifteen years of experience as a lawyer with the preparation, filing and retrieval of filings with the Common Carrier Bureau relating to Part 21 and Part 22 radio authorizations, as well as filings under Parts 43, 61 and 63. In addition, WCAI's nominee has an extensive background in software design -- he has developed application software for one of the nation's largest actuarial firms, as well as databases to monitor applications filed with and licenses issued by the Commission. As a result, he is well qualified to address not only what the wireless cable industry needs from an electronic filing system, but also assist the Commission in meeting those needs.

For the foregoing reasons, WCAI strongly supports the establishment of an advisory committee to assist the Common Carrier Bureau in the development and implementation of an electronic filing system and requests that WCAI's representative be permitted to participate on that committee.

Respectfully submitted,



Dawn G. Alexander

Counsel to The Wireless Cable Association
International, Inc.

⁵The Domestic Facilities Division has recently taken a major step towards bridging the information gap by resuming its practice of releasing an inventory of pending MDS applications and authorized stations each month. However, more is needed, since there is a time lag before pending applications appear in the inventory, and the inventory itself is so unreliable that the Commission warns users that the inventory is not definitive.